

9/9 (23) 210

TOWN OF ACTON

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Planning Department

INTERDEPARTMENTAL COMMUNICATION

To: Town Manager's Office

Date: August 23, 2013

From: Kim Gorman, Secretary for Planning Department

Subject: Gift Acceptance

The Planning Department has received a check in the amount of \$50,000.00 from Ellsworth Village, LLC (Ellsworth Village Senior Residences Special Permit Special Permit) in lieu of the monetary contribution to the Acton Community Housing Program Fund, as stated in 2.2 in the Planning Board Decision – Amendment # 4 of Decision 05-01 from April 23, 2013.

Please bring this matter to the Board of Selectmen for consideration.

Thank you.



Planning Board

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**AMENDMENT #4
OF DECISION
05-01**

April 23, 2013

Ellsworth Village

Senior Residence Special Permit

RECEIVED
MAY - 1 2013

TOWN CLERK, ACTON

This is an amendment by the Planning Board (hereinafter the Board) of its decision issued to Ellsworth Village, LLC (hereinafter the Applicant) filed with the Town Clerk on April 27, 2005, previously amended on April 27, 2006, February 17, 2009 and September 4, 2012 (together hereinafter the Original Decision).

This amendment is in response to the request of the Applicant to substitute one of the three affordable units as required in the Original Decision, with a monetary contribution to the Acton Community Housing Program Fund.

The Applicant presented the requested modification to the Board at a regular posted meeting on April 23, 2013. Board members Ryan Bettez, Jeff Clymer, Roland Bourdon, Kimberly Montella, Derrick Chin, Ray Yacouby (Associated Member) and Rob Bukowski (Associate Member) were present. The minutes of the meeting and submissions, on which this decision is based upon, may be referred to in the Office of the Town Clerk or in the Acton Planning Department.

1 EXHIBITS

Submitted for the Board's deliberation were:

- A letter from Authentic Homes, dated 04/02/13;
- A letter from Nancy Tavernier, Chair of the Acton Community Housing Corporation, dated 03/29/13.

2 FINDINGS AND CONCLUSIONS

- 2.1 The applicant has requested that the Board allow the substitution for one of the three affordable units with a monetary contribution in the amount of \$25,000 to the Acton Community Housing Program Fund as provided in Section 9B.12.9.1 of the Zoning Bylaw and to sell the last affordable unit at market rate.

- 2.2 Section 9B.12.9.1 of the Zoning Bylaw states the "Planning Board in its special permit may authorize or require the substitution of required AFFORDABLE SENIOR RESIDENCES with:

9B.12.9.2 Monetary contributions for affordable housing programs made to the Acton Community Housing Program Fund in an amount sufficient for the Town or its designee to create off-site affordable family or individual persons' housing, as the Planning Board may determine, and eligible for inclusion in Acton's subsidized housing inventory under M.G.L Chapter 40B."

- 2.3 The Acton Community Housing Authority recommended the Applicant make a monetary contribution equal to the difference between the affordable selling price and the market selling price (ranging from \$190,900 to \$220,800).
- 2.4 The proposed substitution maintains the overall number of units in Ellsworth Village.
- 2.5 The requested modification is minor, does not change the project in any significant way from how it was approved in the Original Decision, and therefore does not warrant a public hearing.

3 BOARD ACTION

Therefore, the Board voted at the meeting to **APPROVE** the proposed modifications as shown on the Plan with the following conditions:

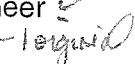

3.1 CONDITIONS

- 3.1.1 The applicant shall make a monetary contribution to the Acton Community Housing Program Fund in the amount of \$50,000 prior to issuance of the final occupancy permit.
- 3.1.2 The applicant shall amend the Ellsworth Village Regulatory Agreement, Condominium Master Deed and any other documents related to the affordable units prior to issuance of the final occupancy permit.
- 3.1.3 Except as modified herein, the Original Decision, and the plan approved thereunder, shall remain in effect.

Signed on behalf of the Acton Planning Board

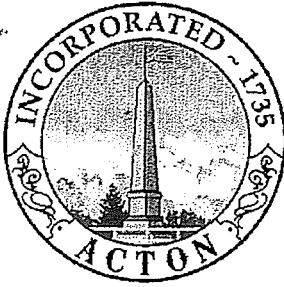

Roland Bartl, AICP, Planning Director

Copies to:

Applicant
Town Engineer
Town Clerk - 
Town Assessor 

Building Commissioner 
Municipal Properties Director 
Natural Resource Director
Acton Community Housing Corporation 

Board of Health 
Town Manager 
Fire Chief 



ACTON PLANNING BOARD

Minutes of Meeting
April 23, 2013
Acton Town Hall
Room 204

RECEIVED
MAY 15 2013

TOWN CLERK, ACTON

Planning Board members attending: Mr. Ryan Bettez (Chairman), Mr. Jeff Clymer (Vice Chair), Mr. Roland Bourdon, Ms. Kim Montella, Mr. Ray Yacouby, Mr. Derrick Chin, Associate members Mr. Rob Bukowski and Michael Dube. Also present: Assistant Planner Ms. Kristen Domurad-Guichard and Planning Board Secretary Ms. Kim Gorman.

Absent: Ms. Woolley Busse

Mr. Bettez called the meeting to order at 7:30 PM.

Mr. Bettez appointed Mr. Dube and Mr. Bukowski as full members for tonight's meeting.

I. Citizens' Concerns

None raised.

II. Order of Layout relative to Relocation of Kennedy Right-Of-Way from NARA Park

Mr. Corey York, Town Engineer/Director of Public Works, requested the Board recommend the Order of Street Layout of a portion of Quarry Road.

Mr. Clymer motioned to recommend the Order of Street Layout to the Board of Selectmen, Ms. Montella 2nd; all in favor.

III. Reports

DRB: Ms. Montella reported the committee met with the Recreation Commission regarding the Pavilion at NARA. Ms. Montella stated their next meeting will be to meet with Panera to discuss their proposal to locate at the former McDonalds site in Kelley's corner.

IV. PH - 429 Great Road – Country Properties, LLC – Pegasus Farm Tack Shop Sign Special Permit

Mr. Bettez opened the 429 Great Road Pegasus Farm Tack Shop Sign Special Permit application public hearing. Mr. Thomas Fleming, representative for Country Properties presented an application for a special permit to install a freestanding sign. Mr. Fleming is asking for the sign to be 8' wide by 5' high (40 square feet) and requested a height of 10'. The sign will be located on the left side of the building when facing the street. Board members reviewed staff comments and examples of freestanding signs in the immediate surrounding area.

Board members questions and comments:

Overall, the height and area is too large. It was also noted that a landscaped area and a sign setback will be required as stated in the Bylaw as well as located not to obstruct site distances.

Board members suggested removing some of the wording to make the sign easier to read.

Mr. Yacouby motioned for sign not to exceed 8' in height and 30 square feet in area, Mr. Clymer 2nd; all in favor.

Vote: Mr. Bettez, Mr. Clymer, Mr. Yacouby, Ms. Montella, Mr. Chin, Mr. Rob Bukowski and Michael Dube. Motion carried 7-0.

Board members directed staff to have a draft decision to vote at next meeting.

V. Ellsworth Village – Request for Decision Amendment

Mr. James Fenton presented his request for an Amendment to the Ellsworth Village Senior Residences Special Permit. He stated the project will be fully sold with the exception of one remaining affordable unit. Mr. Fenton requested the Board allow the substitution for one of the three required affordable units with a monetary contribution in the amount of \$25,000 to the Acton Community Housing Program Fund. Mr. Fenton stated the last affordable unit has been available since 2009 and efforts to find a qualified buyer to purchase the unit have been difficult.

Board members reviewed a memo from the ACHC; recommending several alternative options in lieu of selling the last affordable unit. Mr. Fenton offered to contribute \$50,000 to the ACHC explaining he has been carrying this unit for many years.

Mr. Yacouby motioned to accept the amendment request and the \$50,000 donation to the ACHC, Mr. Dube 2nd; all in favor.

VI. Rafanelli & Kittredge, P.C. – Amendment to Sign Special Permit 12-04

Ms. Toni Rafanelli and Ms. Kimberly Ryan requested relief from Section 7.4.3.5 (permitting illumination from top down only) through Section 7.13.9 and permission through the power of the Board, to allow the sign to be illuminated using a light source projecting up from the ground. Ms. Ryan stated Rafanelli & Kittredge, P.C. was granted a sign Special Permit for a freestanding sign located at 1 Keefe Road on June 12, 2012. Ms. Ryan explained they had installed a solar light on top of the sign to comply with the section of the bylaw but have discovered that the lighting is not sufficient.

Board members reviewed documents and Board suggested options:

Research other lighting techniques gooseneck lighting (not extending the height of the sign); possible side lighting and possible higher wattage.

Board members suggested to drive by a night and directed staff to research if upward lighting has been approved under the current bylaw, if gooseneck lighting would increase the overall height and any issues with the current installed location and review at the next meeting.

VII. Consent Agenda – Draft Minutes of 03/19/13

The minutes of 03/019/13 were approved as amended.

VIII. Administrative Update

Mr. Clymer reported every zoning article passed at the Annual Town Meeting except the Donation Bins article. Board of Selectmen, Katie Green reported the Board of Selectmen voted to take no enforcement action against Donation Bins at this time and will review further.

The meeting was adjourned at 9:20 PM.

Respectfully Submitted,
Kim Gorman